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UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Grain Division
Washington 25, D. C.

PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(July 1, 1958 to June 30, 1959) (444-461)

444. False labeling of cotton seed. U. S. v. The Sinkers Corporation, Kennett, Missouri. (FS 814)

The Sinkers Corporation on March 31, 1956, transported in interstate commerce from Kennett, Missouri, to Shawnee and Chickasha, Oklahoma, 100 bags and 86 bags of cotton seed.

Information was filed in the United States District Court for the Eastern District of Missouri alleging that The Sinkers Corporation did unlawfully transport in interstate commerce at least 15 bags and 30 bags of this seed in violation of the Federal Seed Act.

Labels attached to both shipments of this seed represented the seed to have a germination of 80 percent; whereas, this seed, when tested in May and June 1956, was found to have germination percentages of 48 and 59, respectively.

On January 9, 1959, The Sinkers Corporation entered a plea of guilty to both counts and the court imposed a fine of \$200 on each count, making a total of \$400, plus \$35 costs.

445. False labeling of soybean seed and "mixed pasture" seed and failure to keep a complete record. U. S. v. Northern Field Seed Company, Winona, Minnesota. (FS 836)

Northern Field Seed Company on April 18 and 19, 1956, and April 1, 1957, delivered for transportation and transported in interstate commerce from Winona, Minnesota, to Maiden Rock, and Black Earth, Wisconsin, 10 bags of soybean seed and 14 bags and 7 bags of "mixed pasture" seed.

Information was filed in the United States District Court for the District of Minnesota alleging that Northern Field Seed Company did unlawfully deliver for transportation and transport in interstate commerce at least 2 bags of the soybean seed and 16 bags of the "mixed pasture" seed in violation of the Federal Seed Act and failed to keep and make accessible for inspection a complete record of the germination and purity of the seed as required under the Federal Seed Act.

Labels attached to at least two bags of the soybean seed represented the seed to have a germination of 92 percent; whereas, this seed, when tested in September 1956, was found to have a germination of 41 percent. In

addition, a complete record, including a file sample, of the germination of this seed was not kept and made accessible for inspection as required under the Federal Seed Act.

Labels attached to at least 11 bags of the "mixed pasture" seed did not indicate the presence of noxious-weed seeds; whereas, a sample representing this seed was found to contain the primary noxious-weed seed, quackgrass, at the rate of 108 per pound.

Labels attached to at least five bags of the "mixed pasture" seed represented the rye seed in the mixture to have a germination of 85 percent and failed to indicate the presence of noxious-weed seeds; whereas, the rye seed in this mixture, when tested in May 1957, was found to have a germination of one percent, and the seed was found to contain the primary noxious-weed seed, quackgrass, at the rate 454 per pound.

On April 17, 1958, Northern Field Seed Company entered a plea of guilty to three counts and on July 25, 1958, the court imposed a fine of \$500. Two counts were dismissed by the court.

446. False labeling of orchardgrass seed and tall fescue seed. U. S. v. James J. Ruppert, Washington, D. C. (FS 837)

James J. Ruppert, doing business as Ruppert Hardware Company, on May 3, 1957, offered for sale in interstate commerce in the District of Columbia Orchardgrass seed, tall fescue seed, and various kinds of vegetable seeds.

Interstate commerce is defined in the Federal Seed Act to include commerce within the District of Columbia.

Information was filed in the United States District Court for the District of Columbia alleging that James J. Ruppert did unlawfully offer for sale in interstate commerce orchardgrass seed, tall fescue seed, and four lots of vegetable seed in violation of the Federal Seed Act.

A label attached to a container of orchardgrass seed represented the seed to contain no noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, wild onion at the rate of 10 per punce.

A label attached to a container of tall fescue seed represented the seed to contain no noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seed, wild onion, at the rate of two per ounce.

One lot of vegetable seed was alleged to be falsely labeled with respect to the percentage of germination; two lots were alleged to be incompletely labeled in that the percentage of germination, the date of test, and the words "below standard" were not shown in the labeling, as required for seed which has a germination below the established standard; and two lots were alleged to be falsely labeled with respect to the name of the variety.

On July 30, 1958, James J. Ruppert entered a consent to judgment in counts I and II involving the orchardgrass seed and tall fescue seed and the amount of \$100 in each count, or a total of \$200 plus \$20 court costs. The four counts involving the vegetable seed were dismissed.

447. False labeling of sericea lespedeza seed. U. S. v. 25 bags, more or less, of sericea lespedeza seed. (FS 840)

Wallace Seed Company, Jackson, Tennessee, on February 14, 1958, transported in interstate commerce from Jackson, Tennessee, to Dermott Grocery and Commission Company, Eudora, Arkansas, 25 bags of sericea lespedeza seed.

A libel was filed in the United States District Court for the Eastern District of Arkansas requesting seizure of 25 bags, more or less, of this seed and alleging it to be in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 80 percent and 5 percent hard seed; whereas, the seed, when tested in March 1958, was found to have a germination of 38 percent with 7 percent hard seed remaining. The seed was seized by the United States marshal.

On July 10, 1958, no claimant having appeared, the court ordered the seed condemned and further ordered that the seed be delivered to the Arkansas State Penitentiary, on condition that it not be sold or transferred by said institution.

448. False labeling of soybean seed, failure to keep a complete record, and use of an illegal disclaimer clause. U. S. v. Arthur D. Langren, Whiting, Iowa. (FS 843)

Arthur D. Langren, doing business as Langren Seed Company, on March 27 and April 3, 1957, and during the period from April 9 to May 1, 1957, delivered for transportation in interstate commerce from Whiting, Iowa, to Marshall, Missouri, 387, 66, and 752 bags of soybean seed.

Information was filed in the United States District Court for the Northern District of Iowa, alleging that Arthur D. Langren did unlawfully deliver for transportation in interstate commerce at least 100, 43, and 84 bags of this seed in violation of the Federal Seed Act; failed to keep and make accessible for inspection complete records, of the purity and germination of this seed, including file samples; and showed upon the labels an illegal disclaimer clause in violation of the rules and regulations under the act.

Labels attached to 100 bags of this seed represented the seed to consist in part, of 99.80 percent pure seed and 0.19 percent inert matter, and to have a germination of 85 percent; whereas, this seed was found to consist of 97.16 percent pure seed and 2.84 percent inert matter, and when tested in May 1957, to have a germination of 40 percent.

Labels attached to 43 bags of this seed represented the seed to consist, in part, of 99.80 percent pure seed and 0.19 percent inert matter, and to have a germination of 85 percent; whereas, this seed was found to consist of 93.61 percent pure seed and 6.39 percent inert matter, and, when tested in May 1957, was found to have a germination of 46 percent.

Labels attached to 84 bags of this seed represented the seed to consist, in part, of 99.80 percent pure seed and 0.19 percent inert matter; whereas, this seed was found to consist of 97.44 percent pure seed and 2.56 percent inert matter.

Labels attached to the bags of all three shipments of seed bore, in part, the statement, "Disclaimer: This approximate test is secured from reliable sources, and is for information only, without guarantee. We give no warranty, express, or implied, as to description, quality, productivity, or any other matter of any seeds, bulbs, or plants we send out, and we will not be responsible for the crop." This statement denied or modified information required to be shown on the labels and was alleged to be in violation of the Federal Seed Act and the rules and regulations thereunder.

In addition, a complete record of the purity and germination of these three lots of seed, including file samples, was not kept and made accessible for inspection, as required under the Federal Seed Act.

On September 30, 1958, Arthur D. Langren entered a consent to judgment in the amount of \$100 on each of eight counts and \$200 on one count, or a total of \$1,000, plus costs.

449. False labeling of oat seed and Korean lespedeza seed, excessive noxious-weed seeds, and failure to keep a complete record. U. S. v. Cass County Seed Company, Harrisonville, Missouri. (FS 845)

Cass County Seed Company, during the period of February 13, 1957, to March 20, 1957, delivered for transportation and transported in interstate commerce from Harrisonville, Missouri, to Tupelo, Claremore, Mounds, and Chelsea, Oklahoma, 84 bags of oat seed and 50, 20, 10, and 33 bags of Korean lespedeza seed.

Information was filed in the United States District Court for the Western District of Missouri alleging that Cass County Seed Company did unlawfully transport and deliver for transportation in interstate commerce at

least 20 bags of oat seed and at least 36, 20, 3, and 5 bags of Korean lespedeza seed in violation of the Federal Seed Act.

Labels attached to the 20 bags of oat seed represented the seed to consist, in part, of 98.00 percent Cherokee variety of oat seed and 0.20 percent other crop seed and did not indicate the presence of any noxious-weed seeds; whereas, this seed was found to consist, in part, of 67.01 percent Cherokee variety oat seed and 32.61 percent other varieties of oat seed and to contain the noxious-weed seed, dock, at the rate of 5 per pound.

Labels attached to the 36 bags of Korean lespedeza seed represented the seed to contain the noxious-weed seed, dodder, at the rate of 35 per pound and did not indicate the presence of the noxious-weed seed, bracted plantain; whereas, this seed was found to contain dodder and bracted plantain seeds at the rate of 378 and 81 per pound, respectively. Agricultural seed containing in excess of 200 dodder seeds per pound is prohibited from sale in the State of Oklahoma and therefore is prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the 20 bags of Korean lespedeza seed represented the seed to have a germination of 80 percent and 5 percent hard seed; whereas, this seed, when tested in March 1957, was found to have a germination of 52 percent with 8 percent hard seed remaining.

Labels attached to the three bags of Korean lespedeza seed represented the seed to consist, in part of 98.00 percent pure seed, 0.75 percent weed seeds, and 0.75 percent inert matter and to contain the noxious-weed seeds, dodder and dock, each at the rate of 35 per pound, but did not indicate the presence of any bracted plantain seeds; whereas, this seed was found to consist, in part, of 93.60 percent pure seed, 2.20 percent weed seeds, and 3.80 percent inert matter, and to contain dodder, dock, and bracted plantain seeds at the rate of 999, 180, and 180 per pound, respectively. Agricultural seed containing in excess of 200 dodder seeds or a total of 500 noxious-weed seeds per pound is prohibited from sale in the State of Oklahoma and, therefore is prohibited from shipment into that State under the Federal Seed Act.

Labels attached to the five bags of Korean lespedeza seed represented the seed to have a germination of 80 percent and 5 percent hard seed; whereas, this seed when tested in April 1957 was found to have a germination of 58 percent with 3 percent hard seed remaining.

In addition, a complete record of the purity and germination, including file samples, of these lots of seed were not kept and made accessible for inspection, as required under the Federal Seed Act.

On August 11, 1958, Cass County Seed Company entered a consent to judgment in the amount of \$25 on each of five counts or a total of \$125, plus \$44.80 court costs. The remaining eight counts were dismissed.

450. False labeling of oat seed. U. S. v. Russell-Heckle Seed Company, Memphis, Tennessee. (FS 847)

Russell-Heckle Seed Company on November 8, 1956, delivered for transportation in interstate commerce from Memphis, Tennessee, to Hughes, Arkansas, 25 bags of oat seed.

Information was filed in the United States District Court for the Western District of Tennessee alleging that Russell-Heckle Seed Company unlawfully delivered for transportation in interstate commerce at least 22 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented this seed to consist, in part, of 98.20 percent Victorgrain 48-93 variety of oat seed and 0.45 percent other crop seed, to have a germination of 88 percent, and to contain no noxious-weed seeds; whereas, this seed was found to consist, in part, of 73.32 percent Victorgrain 48-93 variety of oat seed and 26.48 percent other crop seed, principally other varieties of oat seed; to have a germination of 18 percent when tested in November 1956; and to contain the noxious-weed seeds, wild onion and cheat or chess, at the rate of five and three per pound, respectively.

On November 17, 1958, a judgment of \$50 and costs was entered against Russell-Heckle Seed Company.

451. False labeling of rye seed. U. S. v. Stanford Seed Company, Buffalo, New York. (FS 848)

Stanford Seed Company on August 15, 1957, delivered for transportation in interstate commerce from Binghamton, New York, to Framingham, Massachusetts, 272 bags of rye seed.

Information was filed in the United States District Court for the Northern District of New York alleging that Stanford Seed Company did unlawfully deliver for transportation in interstate commerce at least 25 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags failed to indicate the presence of any noxious-weed seeds; whereas, this seed was found to contain the noxious-weed seed, corncockle, at the rate of 24 per pound.

On September 23, 1958, Stanford Seed Company entered a consent to judgment in the amount of \$200.

452. False labeling of sorghum seed. U. S. v. Crown Seed Company, Tulia, Texas. (FS 849)

Crown Seed Company on March 22, 1957, transported in interstate commerce from Tulia, Texas, to Guthrie, Oklahoma, 65 bags of sorghum seed.

Information was filed in the United States District Court for the Northern District of Texas, alleging that Crown Seed Company did unlawfully transport in interstate commerce 65 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 90 percent; whereas, this seed, when tested in April 1957, was found to have a germination of 61 percent.

On September 24, 1958, Crown Seed Company forfeited to the United States, the sum of \$500.

453. False labeling of tall fescue seed. U. S. v. Southeastern Kentucky Fescue Seed Growers Association, Somerset, Kentucky. (FS 851)

Southeastern Kentucky Fescue Seed Growers Association on August 14, 1956, transported in interstate commerce from Somerset, Kentucky, to New Albany, Indiana, 480 bags of tall fescue seed.

Information was filed in the United States District Court for the Eastern District of Kentucky alleging that Southeastern Kentucky Fescue Seed Growers Association did unlawfully transport in interstate commerce at least 300 bags of this seed.

Labeling accompanying and pertaining to this seed represented the seed to have a germination of 80 and 91 percent; whereas, when tested in October 1956, 100 bags of this seed were found to have a germination of 52 percent. and 200 bags of this seed were found to have a germination of 58 percent.

On November 17, 1958, a judgment of \$25, plus \$44 costs, was entered against Southeastern Kentucky Fescue Seed Growers Association.

454. False labeling of tall fescue seed and failure to keep a complete record. U. S. v. Payne Brothers Seed Company, Nashville, Tennessee. (FS 852)

Payne Brothers Seed Company on October 24, 1956, transported in interstate commerce from Nashville, Tennessee, to Waverly, Missouri, 85 bags of tall fescue seed.

Information was filed in the United States District Court for the Middle District of Tennessee alleging that Payne Brothers Seed Company did unlawfully transport in interstate commerce at least 20 bags of this seed in violation of the Federal Seed Act.

Labeling accompanying and pertaining to this seed represented the seed to consist of 98.52 percent pure seed, 0.02 percent inert matter, 0.77 percent weed seed, and 0.69 percent other crop seed; whereas, this seed was found to consist of 94.90 percent pure seed, 0.60 percent inert matter, 2.60 percent weed seed, and 1.90 percent other crop seed. In addition, a complete record of the purity of this seed was not kept and made accessible for inspection as required under the Federal Seed Act.

On May 13, 1959, Payne Brothers Seed Company forfeited to the United States the sum of \$100.

455. False labeling of rye seed. U. S. v. Phil Ratliff, Inc., Neosho, Missouri. (FS 855)

Phil Ratliff, Inc., on September 5, 1957, delivered for transportation in interstate commerce from Neosho, Missouri, to Bentonville, Arkansas, 75 bags of rye seed.

Information was filed in the United States District Court for the Western District of Missouri, alleging that Phil Ratliff, Inc., did unlawfully deliver for transportation in interstate commerce at least 25 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to have a germination of 85 percent; whereas, this seed, when tested in September 1957, was found to have a germination of 50 percent.

On January 21, 1959, Phil Ratliff, Inc., forfeited to the United States the sum of \$25 and \$26.40 court costs

456. False labeling of rye seed and excessive noxious-weed seeds. U. S. v. 24 bags of rye seed. (FS 856)

DeWine & Hamma Seed Company, Butler, Pennsylvania, on September 27, 1958, delivered for transportation in interstate commerce from Butler, Pennsylvania, to Richardson Brothers, Westminster, Maryland, 24 bags of rye seed.

A libel was filed in the United States District Court for the District of Maryland requesting seizure of eight bags of this seed and alleging it to be in violation of the Federal Seed Act.

Labels attached to the bags did not indicate the presence of any noxious-weed seeds; whereas, a sample representing eight bags of this seed was found to contain quackgrass seeds and corncockle seeds at the rate of five and eight per pound, respectively. The seed was seized by the United States marshal.

On February 18, 1959, no claimant having appeared, the United States District Court ordered said eight bags of seed to be destroyed.

457. False labeling of oat seed. U. S. v. Stegall-Sylvest Seed Company, Inc., Montgomery, Alabama. (FS 857)

Stegall-Sylvest Seed Company, Inc., on August 17, 1957, transported in interstate commerce from Montgomery, Alabama, to Richton, Mississippi, 215 bags of oat seed.

Information was filed in the United States District Court for the Middle District of Alabama, alleging that Stegall-Sylvest Seed Company, Inc., did unlawfully transport in interstate commerce at least 120 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented this seed to have a germination of 90 percent and to contain no noxious-weed seeds; whereas, this seed, when tested in October 1957, was found to have a germination of 45 percent and to contain the noxious-weed seed, darnel, at the rate of 45 per pound.

On January 22, 1959, Stegall-Sylvest Seed Company, Inc., forfeited to the United States the sum of \$150, plus \$22.60 court costs.

458. False labeling of rye seed and sorghum seed and excessive noxious-weed seed. U. S. v. Roberts Seed Company, Clovis, New Mexico. (FS 858)

Roberts Seed Company on August 13, 1956, transported in interstate commerce from Texico, New Mexico, to Guymon, Oklahoma, 50 bags of rye seed, and during the period of June 27 to June 29, 1957, transported in interstate commerce from Texico, New Mexico, to Liberal, Kansas, 250 bags of sorghum seed.

Information was filed in the United States District Court for the District of New Mexico alleging that Roberts Seed Company did unlawfully transport in interstate commerce at least 16 bags of rye seed and 7 bags of sorghum seed in violation of the Federal Seed Act.

Labels attached to the bags of rye seed represented the seed to be the Balbo variety of rye; whereas, when grown in a trueness-to-variety test in Oklahoma, this seed was found to be not the Balbo variety of rye seed.

Labels attached to the bags of sorghum seed represented this seed to contain no noxious-weed seeds; whereas, individual bags of this seed were found to contain the noxious-weed seed, Johnsongrass, at the rate of 44, 12, 29, 6, 44, 48, and 71 per pound. At the time of this shipment agricultural seed containing in excess of 45 Johnsongrass seeds per pound was prohibited from sale in the State of Kansas, and therefore was prohibited from shipment into that State under the Federal Seed Act.

On June 1, 1959, a judgment for \$100 on each of three counts, making a total of \$300, plus \$59.10 court costs, was entered against Roberts Seed Company.

459. False labeling of tall fescue seed and excessive noxious-weed seeds. U. S. v. Charles E. Heckle, Seedsman, Memphis, Tennessee. (FS 860)

Charles E. Heckle, Seedsman, on September 13 and October 24, 1957, delivered for transportation in interstate commerce from Memphis, Tennessee, to Helena and Earle, Arkansas, 10 bags and 4 bags, respectively, of tall fescue seed.

Information was filed in the United States District Court for the Western District of Tennessee alleging that Charles E. Heckle, Seedsman, did unlawfully deliver for transportation in interstate commerce at least eight bags and four bags of this seed in violation of the Federal Seed Act.

Labels attached to 8 bags of this seed represented the seed to contain no noxious-weed seeds; whereas, this seed was found to contain the noxious-weed seeds, dock, sorrel, and cheat or chess, at the rate of 45, 36, and 135 per pound, respectively.

Labels attached to 4 bags of this seed represented the seed to consist, in part, of 99.17 percent pure seed, 0.42 percent inert matter, and 0.28 percent weed seed, and to contain no noxious-weed seeds; whereas, this seed was found to consist, in part, of 95.25 percent pure seed, 2.74 percent inert matter, and 1.74 percent weed seed, and to contain the noxious-weed seeds, dock and cheat or chess, at the rate of 5,868 and 288, respectively.

Tall fescue seed containing in excess of 300 of any one kind of such noxious-weed seeds or a combined total of 500 noxious-weed seeds is prohibited from sale in the State of Arkansas and therefore is prohibited from shipment into that State under the Federal Seed Act.

On May 20, 1959, a judgment was entered against Charles E. Heckle, Seedsman, in the amount of \$200 on each of two counts and \$100 on one count, or a total of \$500, plus costs.

460. False labeling of mixed lawn seed. U. S. v. Miracle Green, Inc., Kansas City, Missouri. (FS 868)

Miracle Green, Inc., on January 7, 1957, and June 17, 1957, delivered for transportation in interstate commerce from Kansas City, Missouri, to Oakland, California, 500 containers and 96 containers of mixed lawn seed.

Information was filed in the United States District Court for the Western District of Missouri alleging that Miracle Green, Inc., did unlawfully deliver for transportation in interstate commerce at least 355 containers and 96 containers of this seed in violation of the Federal Seed Act.

Labels attached to 355 containers failed to indicate the presence of the noxious-weed seed, Bermuda-grass; whereas, samples representing 78, 89, 41, 48, and 99 containers of this seed was found to contain Bermuda-grass seeds at the rates of 180, 78, 162, 99, and 3,510 per pound, respectively.

Labels attached to 12 containers failed to indicate the presence of the noxious-weed seed, Bermuda-grass; whereas, a sample representing this seed was found to contain Bermuda-grass seeds at the rate of 1,692 per pound.

Labels attached to 84 containers represented the seed to consist, in part, of 0.50 percent other crop seed; whereas, a sample representing this seed was found to consist, in part, of 10.54 percent other crop seed.

On June 29, 1959, Miracle Green, Inc., was assessed a judgment of \$25 on each of three counts, making a total of \$75, plus \$17.40 costs.

461. False labeling of smooth brome seed. U. S. v. Leonard J. Girardin, doing business as The Arrow Seed Company, Broken Bow, Nebraska. (FS 869)

The Arrow Seed Company on April 18, 1957, transported in interstate commerce from Broken Bow, Nebraska, to Mankato, Kansas, 20 bags of smooth brome seed.

Information was filed in the United States District Court for the District of Nebraska alleging that The Arrow Seed Company did unlawfully transport in interstate commerce at least 10 bags of this seed in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to consist, in part, of 90.00 percent pure seed and 8.58 percent inert matter, to have a germination of 85 percent, and to contain the noxious-weed seed, cheat or chess, at the rate of 57 per pound; whereas, this seed was found to consist, in part, of 82.84 percent pure seed and 15.48 percent inert matter; to have a germination of 53 percent when tested in May 1957; and to contain the noxious-weed seed, cheat or chess, at the rate of 1,962 per pound.

On May 7, 1959, a judgment for \$50 and costs was entered against Leonard J. Girardin.

INDEX, BY SHIPPER, OF PROSECUTION CASES
UNDER THE FEDERAL SEED ACT, 444-461

<u>Shipper and Kind of Seed</u>	<u>Reference No.</u>
The Arrow Seed Company, Broken Bow, Nebraska Smooth brome..... ..	461
Cass County Seed Company, Harrisonville, Missouri Oat and Korean lespedeza.....	449
Crown Seed Company, Tulia, Texas Sorghum.....	452
Charles E. Heckle, Seedsman, Memphis, Tennessee Tall fescue.....	459
Langren Seed Company, Whiting, Iowa Soybean.....	448
Miracle Green, Inc., Kansas City, Missouri Mixed seeds.....	460
*Northern Field Seed Company, Winona, Minnesota Soybean and mixed seed.....	445
Payne Brothers Seed Company, Nashville, Tennessee Tall fescue.....	454
Phil Ratliff, Inc., Neosho, Missouri Rye.....	455
Roberts Seed Company, Clovis, New Mexico Rye and sorghum.....	453
Ruppert Hardware Company, Washington, D. C. Orchardgrass and tall fescue.....	446
Russell-Heckle Seed Company, Memphis, Tennessee Oat.....	450
*The Sinkers Corporation, Kennett, Missouri Cotton.....	444
Southeastern Kentucky Fescue Seed Growers Association, Somerset, Kentucky Tall fescue.....	453

Stanford Seed Company, Buffalo, New York	
Rye.....	451
Stegall-Sylvest Seed Company, Inc., Montgomery, Alabama	
Oat.....	457

*Prosecuted under criminal provisions of section 406 in effect prior to July 1956. This section now provides for either criminal or civil proceedings. No other criminal cases were completed in fiscal year 1959.

INDEX, BY SHIPPER, OF SEIZURE CASES
UNDER THE FEDERAL SEED ACT, 447-456

<u>**Shipper and Kind of Seed</u>	<u>Reference No.</u>
DeWine & Hamma Seed Company, Butler, Pennsylvania	
Rye.....	456
Wallace Seed Company, Jackson, Tennessee	
Sericea lespedeza.....	447

**The listing of names and addresses of shippers of seed seized under section 405 of the Federal Seed Act is considered to be information pertinent to the issuance of the judgment by the court and does not mean that the shipper was found guilty of violation of the Federal Seed Act. The action in seizure cases is against the seed.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON 25, D. C.

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